

**From:** POLITICO Pro Energy  
**To:** [megan\\_bloomgren@ios.doi.gov](mailto:megan_bloomgren@ios.doi.gov)  
**Subject:** Morning Energy, presented by Trout Unlimited: Methane CRA could reemerge in 2018 races — Pruitt defends prior lawsuits against EPA — Zinke wraps up Utah trip  
**Date:** Thursday, May 11, 2017 4:44:40 AM

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By Anthony Adragna | 05/11/2017 05:40 AM EDT

*With help from Esther Whieldon, Alex Guillén and Ben Lefebvre*

**READING THE FALLOUT POST-METHANE FLOP:** The clock ticks down today on the [Congressional Review Act window](#), and Senate Republicans failed in their last chance to nullify an Obama-era energy rule Wednesday. But some conservatives are hoping they can get a consolation prize: something to wield against red-state Democrats facing competitive elections in 2018, Pro's Nick Juliano and your host [report](#). Chief among those targets is North Dakota Sen. [Heidi Heitkamp](#), who denied the industry a quick reversal of the BLM rule limiting methane emissions from oil and gas drilling. Rep. [Kevin Cramer](#) (R-N.D.), who has been mulling a run against Heitkamp, took a quick hit at the vote on local radio, suggesting that Senate Democratic leadership barred her from supporting the resolution. "When you have to be the 50th vote, that's when you have to choose between what's good for your state and your country and what your leadership wants," he [told WDAY](#).

A former congressional aide who now works with industry groups in the West said he expected the vote may cause oil companies to put money into Heitkamp's reelection contest, which they would otherwise have ignored. Still, the National Republican Senatorial Committee was mum on the vote Wednesday. It's worth noting that Heitkamp has backed other pro-industry CRA challenges, such as the Stream Buffer Rule, and played a crucial role in 2015 in lifting the ban on crude oil exports, another critical priority for the energy sector.

**Heitkamp herself didn't seem worried** and defended her vote. "There isn't a vote you couldn't bring into [an attack ad], so it is what it is," Heitkamp said. "When I believe it's in the best interests of the people of my state, that's how I vote." Afterwards, she and West Virginia's [Joe Manchin](#) said they voted against using the CRA because it would prevent the government from issuing a similar rule in the future but they urged Interior Secretary Ryan Zinke in [a letter](#) to revise it, something the department already [plans to do](#). That prompted Senate EPW Chairman [John Barrasso](#), who failed to rally the 50 votes needed to pass the resolution despite weeks of whipping, to issue a statement condemning the move: "Letters to the secretary are nice, but when given the opportunity to immediately remove this punishing regulation, the senators voted no," he said.

**Democrats weren't alone in taking tough votes:** Both Sens. [Jeff Flake](#) and [Dean Heller](#), up for reelection in 2018, backed the measure after facing pressure not to. And Sen. [Cory Gardner](#), the NRSC chair who remained publicly undecided until the end, was also bashed for his vote, though he's not up for reelection until 2020. "This is not the leadership that Colorado needs, and we will double down on our efforts to make sure that Coloradans of all stripes know what a threat Senator Gardner's voting record poses to clean air and environment," Pete Maysmith, executive director of Conservation Colorado, said in a statement.

**Moment of truth:** Check out [this video](#) from the moment Sen. [John McCain](#) cast the deciding vote against the resolution. He emerges from an animated discussion with Majority Whip [John Cornyn](#), Barrasso and [John Hoeven](#), casts his vote and Cornyn flings his arms up in

frustration. ICYMI, the measure failed 49-51 after McCain, as well as Republican Sens. [Susan Collins](#) and [Lindsey Graham](#), joined all 48 Senate Democrats in voting against it.

**WELCOME TO THURSDAY!** I'm your host Anthony Adragna, and Ana Unruh Cohen from Sen. Ed Markey's office was first to identify Justice Byron White as the two-time NFL rushing leader. For today: Who was the last lawmaker formally reprimanded by Congress? Send your tips, energy gossip and comments to [aadragna@politico.com](mailto:aadragna@politico.com), or follow us on Twitter [@AnthonyAdragna](#), [@Morning\\_Energy](#), and [@POLITICOPro](#).

**PRUITT DEFENDS SUING OBAMA EPA:** Also speaking with North Dakota's [WDAY](#) (who knew they had such high-powered programming?), EPA Administrator Scott Pruitt swiped at his critics who think he sued the EPA too much as Oklahoma attorney general. "They deserved it and they deserved it because they exceeded their statutory authority, they exceeded their constitutional authority," Pruitt said. "When they got outside their lane, they got sued and they got stopped." ME would note that state attorneys general challenging the Obama EPA had a decidedly mixed record of success in the courts.

**Slams Obama's environmental record:** Pruitt said he didn't get why people fawned over the Obama administration's environmental accomplishments, pointing to the Flint drinking water crisis and Gold King mine spill, failure to lower the number of Superfund sites and significant portions of the country that are still not in attainment with the ozone standard. "What's so great about that record?" he said. "I don't quite understand the environmental left when they say that somehow what the past administration has done is so great."

**Consolidates his Super(fund) powers:** Pruitt has consolidated the authority to approve significant Superfund projects to himself, he said in a [memo](#) sent this week. Decisions about such spending previously were delegated to an assistant administrator or a regional chief, but Pruitt has ordered that any Superfund clean-up plan expected to cost \$50 million or more get his personal seal of approval first. "The purpose of these revisions is to improve the remedy selection process and to involve [Pruitt and his office] in this process more directly," the memo says. Pruitt adds that Superfund and other clean-up programs "will be restored to their rightful place at the center of the agency's core mission."

**DON'T WAIT FOR THE FEDS:** Cheryl LaFleur, acting chairwoman of FERC, urged New York's power plant owners, policymakers and the grid operator to develop a regional solution to challenges faced by the state's power market rather than waiting for the federal energy regulator to act, POLITICO New York's Marie J. French [reports](#). The number of issues on the table, including around the state's effort to transform the utility industry, may make it easier for New York and other stakeholders to come to a resolution, she suggested.

**Speaking of FERC,** Commissioner Diane Burman of the New York State Public Service Commission will take the place of Trump's new FERC nominee Robert Powelson at the American Gas Association's May 16 [Natural Gas Roundtable](#). And after announcing their nominations earlier this week, Trump formally sent the nominations of Neil Chatterjee and Powelson to the Senate late Wednesday.

**BERNHARDT'S PAPERWORK IN:** Interior Deputy Secretary nominee David Bernhardt promised in a [letter](#) and [financial disclosure form](#) to recuse himself for one year from matters involving a number of oil, gas and power generation companies he has represented and lobbied for previously, Pro's Esther Whieldon [reports](#). Those include the fossil fuel, electric and mining companies Targa Resources Company LLC, Noble Energy Company LLC, Statoil

Gulf Services LLC, the Independent Petroleum Association of America, NRG Energy Inc., Sempra Energy, Taylor Energy Company LLC, Cobalt International Energy and Rosemont Copper Company. It would also affect water and wildlife conservation organizations including the Safari Club International Foundation, Garrison Diversion Conservancy District, Westlands Water District and Cadiz Inc.

**Brought back to life:** Public Employees for Environmental Responsibility, an agency watchdog group, is asking lawmakers to investigate the role Bernhardt played in 2001 when then-Secretary Gale Norton gave lawmakers wrong information about whether oil drilling in the Arctic National Wildlife Refuge could hurt caribou populations. Bernhardt headed up the agency's congressional affairs team that crafted Norton's response to then-Sen. Frank Murkowski. The agency said caribou calving took place outside of the area in question — a conclusion that contradicted one from the Fish and Wildlife Service. The Washington Post reported the mistake at the time, but PEER is now releasing a clarification [letter](#) Bernhardt sent Murkowski and Joe Lieberman after the article came out. "It turns out, we made a mistake," Bernhardt wrote in 2001. "The letter should have said that in 11 of the last 18 years, concentrated calving has taken place inside the 1002 area." He added the maps included in the original response had shown the correct information.

**\*\* A message from Trout Unlimited:** For over 50 years, Trout Unlimited has been dedicated to conserving, protecting and restoring North America's coldwater fisheries and watersheds on behalf of today's anglers and coming generations of sportsmen and women. Join us as we support America's public lands and national monuments: <http://bit.ly/2paVoYB> \*\*

**TROUBLE FOR DAKOTA ACCESS BUILDER:** Indigenous tribes in South Dakota are complaining of a reported leak on the Dakota Access Pipeline. A leak of 86 gallons of crude oil occurred at a surge pump near Spink County, the Indigenous Environmental Network said, citing data from the South Dakota Department of Environment and Natural Resources (the DENR didn't return calls or emails from ME seeking confirmation). Native tribes and environmental groups had protested DAPL being put into commission, even as Trump made it one of his first official actions to order the Army Corp of Engineers to approve the final leg of construction. An Energy Transfer spokeswoman confirmed the leak, saying it happened in a containment area and that all the oil was recovered. DAPL starts commercial operations on June 1.

Meanwhile, Energy Transfer is also in trouble with FERC. The agency [ordered](#) the Dallas-based company to halt drilling near its Rover pipeline in Ohio after 2 million gallons of drilling fluid leaked in wetlands near the Tuscarawas River in Stark County.

**THAT'S A WESTERN WRAP:** Zinke wrapped a four-day swing through Utah's national monuments on Wednesday with a [look at coal seams](#), tour of [local BLM facilities](#), a [meeting](#) with local ranchers and county commissioners at the Grand Staircase-Escalante National Monument. "There's more than 2 sides to the issue of monuments. I'm looking for them all," he tweeted. He took driving and aerial tours of the monument as the Interior Department prepares to open a public comment period Friday on more than two dozen previous monument designations under the Antiquities Act.

**That comes as** Sen. [Martin Heinrich](#) sent [a letter](#) to Zinke Wednesday asking him to extend the public comment period on the Bears Ears National Monument to 60 days (it's currently slated for just 15 days) and to schedule a public meeting in the surrounding community of the monument.

**WHAT'S SHAKING?** Interior will restart reviews of applications from six companies seeking to conduct seismic surveying off the southeast Atlantic shore, Pro's Ben Lefebvre [reports](#). It's one of the first steps taken after Trump asked the agency to evaluate the energy development possibilities of offshore regions that former President Barack Obama had placed off limits.

**MAIL CALL! DON'T CLOSE EPA REGIONAL OFFICES:** The ten EPW Democrats, led by Sen. [Tammy Duckworth](#), asked Pruitt in [a letter](#) for a "personal commitment" to not close any of EPA's regional or program offices. "For EPA to deliver on its mission of protecting our public health and our environment, it must be able to work with state and local governments on the distinct issues that face each region," they wrote.

**PRUITT MEETS RICK SCOTT:** Pruitt discussed "water policy and environmental issues" with Florida Gov. Rick Scott in Washington Wednesday. "We had a great meeting and I look forward to working with him," Scott said. "He cares about the whole country but I'm going to continue to focus on our state." Pictures of the meeting [here](#).

**YIKES:** Glaciers in Zinke's home state of Montana have shrunk on average by 39 percent — some 85 percent — since 1966, according to [data](#) released by USGS and Portland State University. "While the shrinkage in Montana is more severe than some other places in the U.S., it is in line with trends that have been happening on a global scale," Portland State professor Andrew Fountain said in a statement.

**REPORT: RANKING CITIES ON ENERGY EFFICIENCY:** The American Council for an Energy-Efficient Economy released [a scorecard](#) rating 51 large cities on their energy efficiency efforts. The top five: Boston, New York City, Seattle, Los Angeles and Portland.

## QUICK HITS

— Trump's overhaul of EPA science panel worries U professor who heads it. [Minnesota Star-Tribune](#).

— Queen Latifah says someone should be jailed for Flint water crisis. [The Grio](#).

— Power Company Calpine Explores Sale. [Wall Street Journal](#).

— Climate change is a reality, IU VP says, as school invests \$55M to address its impact. [Indianapolis Star](#).

— Tesla starts taking orders for premium solar roofs. [Reuters](#).

— Greens hold balance of power in stunning B.C. election. [Toronto Star](#).

## HAPPENING TODAY

3:00 p.m. — "[Deep Decarbonization: The Legal and Economic Framework](#)," Environmental Law Institute, 1730 M Street, NW, Suite 700

## THAT'S ALL FOR ME!

**\*\* A message from Trout Unlimited:** For over 100 years the Antiquities Act has been a

bipartisan tool for conserving America's public lands and our outdoor heritage. Since the time President Theodore Roosevelt signed the Act into law, the Antiquities Act has provided for the long-term conservation of some of the best fish and wildlife habitat and hunting and angling opportunities in the country, spurring local economies. In these places, locally driven conservation efforts need to be preserved and celebrated. Currently, the Department of the Interior is reviewing national monuments designations. Secretary Zinke has strongly supported keeping America's public lands in public hands. Join us in showing him that we support upholding our national monuments: <http://bit.ly/2paVoYB> \*\*

*To view online:*

<https://www.politicopro.com/tipsheets/morning-energy/2017/05/methane-cra-could-reemerge-in-2018-races-022778>

## **Stories from POLITICO Pro**

### **GOP onslaught on Obama's 'midnight rules' comes to an end [Back](#)**

By Alex Guillén | 05/07/2017 07:10 AM EDT

President Donald Trump's inauguration gave congressional Republicans a once-in-a-generation opportunity to erase a spate of late Obama-era regulations — and they used it to make a significant dent before the legislative window closes in the coming week.

Since February, Republicans have used a once-obscure 1996 law to quash 13 "midnight" regulations on topics such as coal mining pollution, gun rights, internet privacy, Planned Parenthood funding, retirement savings and even bear hunting in Alaska. A 14th rule-blocking resolution is heading toward Trump's desk, and GOP lawmakers hope to kill at least one more rule, on methane pollution, before the clock runs out Thursday.

The rollback affects just a fraction of the myriad Obama administration rules that GOP lawmakers and the Trump administration eventually hope to undo, in what White House adviser Steve Bannon has billed as the "deconstruction of the administrative state." But never before have lawmakers made such dramatic use of the Congressional Review Act, which allows lawmakers and the White House to kill recently enacted regulations without having to overcome Senate filibusters.

The results underscore the massive partisan divide on the executive branch powers that President Barack Obama wielded so assertively during his second term.

"This should be a huge lesson to any future president, that if you're going to carry out massive regulations that don't have the support of the American people or the American Congress, then perhaps you shouldn't be doing it in the first place," said Sen. Cory Gardner (R-Colo.), who called the outcome "a success for the American people." He estimated that Congress' nullification of the rules will save companies tens of billions of dollars in compliance costs.

Sen. John McCain (R-Ariz.) portrayed Republicans' enthusiastic use of the review act as a deserved comeuppance for Obama. "I think it was bred by the fact that we had a president who said, 'I've got a pen and I've got a phone,' saying, 'I'm disregarding Congress,'" he said.

But Democratic Sen. Brian Schatz of Hawaii had a warning for Republicans: Someday, his party will retake power in Washington.

"Now that this tool has been exercised, it's available to everybody, and we'll use it too," Schatz said. He added: "As long as the statute's available to us, then we'd be crazy not to utilize it for our purposes as well."

In fact, though, Congress has successfully used the act only once before, to kill a Clinton-era ergonomics regulation in 2001. GOP attempts to use the review act during Obama's presidency either failed to make it through Congress or died in presidential vetoes.

Republicans' control of both Congress and the White House allowed them to dust off the 1996 law, which allows the rule-killing resolutions to pass by simple majority votes in both chambers. The regulations they killed included limits on stream pollution by coal companies, restrictions on broadband providers' reselling of customer data, protections for Planned Parenthood's state funding, and an anti-corruption rule requiring energy companies to disclose their payments to foreign governments.

Under the act, lawmakers can use the tool to bypass Senate filibusters within 60 legislative days after a rule takes effect, a period that is due to expire on Thursday for Obama's final regulations. Lawmakers could have tried to block any of the dozens of significant Obama-era regulations that took effect after June 2016, but their capacity was limited by other priorities on Congress' calendar, such as confirming Trump's Cabinet nominees and dealing with Obamacare.

In addition, the Obama administration made sure to finish most of its blockbuster regulations long before they would become vulnerable to the congressional attack.

That meant the repeals were as much about symbolically attacking Obama as they were about the substance of each targeted rule, said Philip Wallach, a senior fellow at the Brookings Institution.

"My understanding is the collectivity of these rules kind of seems like largely a rebuke of the Obama administration in a pretty general sense, rather than necessarily showing that Congress thought very hard about exactly what was at stake with each of these rules," he said.

Still, Republicans say they're satisfied with what they accomplished.

"I think we've taken maximum opportunity to look at things the country lived without for 228 years, and the Obama administration lived without for at least 7 1/2," Sen. Roy Blunt (R-Mo.) said. "That kind of late rulemaking probably doesn't deserve to be permanent if you can do anything about it. We did."

Democrats generally expressed dismay over the rules the GOP axed, although many said bigger battles were being waged elsewhere. "They did some damage, but in the scheme of things I don't think you look at those CRAs and say that President Obama's legacy is undermined," Schatz said.

However, the GOP's frequent use of the review act this year could raise new legal questions down the road. That's because the law doesn't just allow Congress to block the targeted regulations — it also prohibits agencies from ever issuing a rule that is "substantially the same."

That prohibition has never been tested by the courts. (The Labor Department never tried to



revisit the ergonomics rule that Congress struck down in 2001.) But it was one reason Democratic leaders avoided using the review act in 2009 to attack the George W. Bush administration's midnight regulations — it could have made it harder for Obama's agencies to strengthen the same rules later.

Some of the rules Republicans squashed this year could face similar questions someday. For example, six Senate Republicans who voted to kill the Securities and Exchange Commission's anti-corruption rule later said they hope the SEC will issue a new version with some key changes. But it's unclear whether any alterations would get around the review act's similarity test.

Now that the clock is expiring, the Trump administration is using other, slower methods to try to repeal or weaken Obama-era rules across the government. It could take years for those efforts to yield results and survive the inevitable court challenges, including the EPA's efforts to repeal Obama's power plant climate rule, toughened smog standards and a nationwide regulation protecting wetlands and waterways.

The Congressional Review Act was a healthy start, Republican lawmakers said.

"I think it's been very helpful, but we still have a couple thousand more [rules] that Obama issued over the last eight years," McCain said. "We're still going to have to work on some of that."

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**Senate methane vote may return for 2018 campaigns** [Back](#)

By Nick Juliano and Anthony Adragna | 05/10/2017 06:01 PM EDT

Senate Democrats extended their streak of sticking together on tough votes Wednesday, when they helped defeat Republicans' final shot at overturning an Obama-era energy regulation.

The failure of a Congressional Review Act resolution is a setback for Republicans' and oil backers' hopes for a quick reversal of the BLM rule limiting methane emissions from oil and gas drilling, but they are trying to spin a consolation prize out of Wednesday's vote: a new message to use in 2018 campaign ads.

And though the resolution ultimately failed because three GOP senators crossed the aisle to oppose it, it did put red-state Democratic Sens. [Heidi Heitkamp](#) and [Joe Manchin](#) on the record voting against the industry that plays a big role in their state economies.

While Senate Republicans' campaign arm was silent in the aftermath of the surprise vote, some potential candidates and influential groups said they hoped the vote would hurt Democrats.

"I can't imagine that the voters of North Dakota, a state that President Trump won handily, are too pleased with this vote," said Chris Warren, a spokesman for the American Energy Alliance, a conservative organization with links to the Koch brothers. "It would not surprise

me one bit if this comes back to haunt her in 2018."

Rep. [Kevin Cramer](#) (R-N.D.), who has been mulling a run against Heitkamp, took a shot at his prospective opponent in an interview Wednesday with a local radio station. He said he suspected Senate Democratic leaders prevented her from casting a vote that would have allowed the resolution to pass with a tie-breaking vote from Vice President Mike Pence.

"That's exactly what happened. Her hands were sort of tied because her leadership would never let her be the deciding vote," Cramer [told WDAY](#). "When you have to be the 50th vote, that's when you have to choose between what's good for your state and your country and what your leadership wants."

A former congressional aide who now works with industry groups in the West said he expected the vote may cause oil companies to put resources into a state they would otherwise have ignored.

"The oil and gas industry now has Heitkamp back on the radar. While they were likely set to let her race go before, expect a lot more interest in N.D. now," said the source, who requested anonymity to discuss internal deliberations.

The National Republican Senatorial Committee did not release any statements attacking vulnerable members Wednesday. The campaign arm is chaired by Colorado Sen. [Cory Gardner](#), who remained publicly undecided up to the moment he cast his vote and did not explain why he supported advancing the resolution Wednesday. The NRCC and a spokesman in Gardner's personal office did not immediately respond to requests for comment.

The CRA resolution [failed](#) on a 49-51 procedural vote Wednesday after Republican Sens. [John McCain](#), [Lindsey Graham](#) and [Susan Collins](#) joined all Democrats and independents in opposition.

For her part, Heitkamp said she was not worried about potential campaign attacks next year.

"There isn't a vote you couldn't bring into [an attack ad], so it is what it is," Heitkamp said. She added, "When I believe it's in the best interests of the people of my state, that's how I vote."

Heitkamp and Manchin said they had problems with BLM's methane regulation, even as they voted against using the CRA because it would prevent the government from issuing a similar rule in the future. The two [sent a letter](#) to Interior Secretary Ryan Zinke on Wednesday asking him to revise it, something the department already [plans to do](#).

The methane resolution was the latest in a string of votes on which the minority party has [maintained unity this year](#), even among members facing tough re-election in states President Donald Trump won. That may explain why Republican leaders decided to proceed with a vote that they risked losing: to force Democrats who had remained undecided to go on the record.

"We said we were going to have a vote on this from the beginning, and we did," said Sen. [John Barrasso](#), the resolution's sponsor. "And people got to stand up and say where they voted, and where their beliefs were. So this was intended to be today and it was."

Sen. [Jim Inhofe](#), Barrasso's predecessor as chairman of the Environment and Public Works Committee and a strong supporter of the resolution, said he was caught off guard by its failure



today. But he predicted the vote would come back to haunt red-state Democrats.

"Because the unpopularity of over-regulation crosses party lines ... I think that's a major detraction from their campaigns," Inhofe told reporters.

Environmentalists relished the result Wednesday.

"We thank each and every Senator who stood up against big polluters today and defended these commonsense safeguards from methane pollution," League of Conservation Voters President Gene Karpinski said in a statement. "The battle for a clean, safe environment is far from over, and we will continue to stay vigilant, but today is a victory for all those who are raising their voice in resistance to the anti-environmental Trump administration, Republican leadership and Congress."

And it wasn't just greens cheering.

"We have known about the problem of wasted gas from federal lands for years, and the BLM finally did something about it by updating rules dating back to the Reagan administration when fracking didn't exist," Taxpayers for Common Sense President Ryan Alexander said in a statement. "If Congress had repealed the rule, it would have meant more waste and more losses."

Sen. [Michael Bennet](#) (D-Colo.), who bucked his party to vote for building the Keystone XL pipeline in 2015 and easily won re-election last year, said his colleagues should easily be able to defend their votes on the methane resolution.

"I don't have any doubt that the record Heidi Heitkamp has and Joe Manchin has in their states are reflective of the views of people in their states, and that's what people understand going forward," Bennet told POLITICO. "Again, I think people understand the reason this rule is in place and I don't think they're going to have any trouble explaining their votes at all."

*Ben Lefebvre and Elana Schor contributed to this article.*

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**Heitkamp, Manchin tell Interior to suspend methane rule enforcement** [Back](#)

By Ben Lefebvre | 05/10/2017 03:40 PM EDT

Sens. [Heidi Heitkamp](#) (D-N.D.) and [Joe Manchin](#) (D-W.Va.) are recommending that the Department of Interior halt enforcement of an Obama-era methane emissions rule that the Senate failed to repeal this morning.

Heitkamp and Manchin surprised some by voting to block the Congressional Review Act that would have repealed the methane emissions rule. Republicans had hoped the two senators would join them in killing the measure, which uses royalty rates to push oil and gas producers to cut methane emissions from oil wells and pipelines.

But in a [letter](#) to Interior Secretary Ryan Zinke dated today, the two senators say they still think the methane rule goes too far. They write that they agree with President Donald Trump's March executive order calling for a review of the rule and suggest that BLM stop enforcing it in the meantime.

"Begin revising the rule by issuing both a rule suspending enforcement and a replacement rule to correct the inherent flaws in the current rule," the senators suggest to Zinke as one possible action.

Interior said earlier today that it planned to revise, suspend or rescind the regulation. Such a process could take years, however, and environmental groups have said any drastic action from the department could face legal action.

**WHAT'S NEXT:** Interior is expected to issue a review of the methane rule.

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**Interior to take aim at methane rule after failed CRA** [Back](#)

By Eric Wolff | 05/10/2017 01:32 PM EDT

The Interior Department is aiming to gut the Obama administration's methane waste rule that the Senate failed to kill off today.

"As part of President Trump's America-First Energy Strategy and executive order, the Department has reviewed and flagged the Waste Prevention rule as one we will suspend, revise or rescind given its significant regulatory burden that encumbers American energy production, economic growth and job creation," said Kate MacGregor, acting assistant secretary of the Interior for Land and Minerals, in a statement.

The Obama-era rule required companies drilling on public land to take steps to eliminate methane leakage or flaring from their operations. The rule was attacked by the industry and many Republicans as too expensive to comply with, but Republican Sens. [John McCain](#) (Ariz.), [Susan Collins](#) (Maine) and [Lindsey Graham](#) (S.C.) today joined with Democrats to [defeat](#) a resolution under the Congressional Review Act that would have nullified it.

"The vote today in the Senate doesn't impact the administration's commitment to spurring investment in responsible energy development and ensuring smart regulatory protections," MacGregor said.

"The rule is expected to have real and harmful impacts on onshore energy development and could impact state and local jobs and revenue. Small independent oil and gas producers in states like North Dakota, Colorado and New Mexico, which account for a substantial portion of our nation's energy wealth, could be hit the hardest," she added.

**WHAT'S NEXT:** Interior will have to issue a proposed rule to revise or withdraw the rule.

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## **Bernhardt vows to avoid past clients if confirmed as Interior No. 2** [Back](#)

By Esther Whieldon | 05/10/2017 05:17 PM EDT

David Bernhardt, President Donald Trump's nominee for the number two spot at the Interior Department, is promising to recuse himself for one year from matters involving a number of oil, gas and generation companies he has represented and lobbied for if he is confirmed to the position.

In a [letter](#) and [financial disclosure form](#) posted by the U.S. Office of Government Ethics, Bernhardt said that if he is confirmed as deputy Interior secretary he would resign from his job at the law firm Brownstein Hyatt Farber Schreck LLP. He also pledged to step aside from matters involving any of the firm's clients for one year unless ethics officials clear him to participate.

That means Bernhardt will not be personally or substantially involved in matters involving a number of fossil fuel, electric and mining companies including Targa Resources Company LLC, Noble Energy Company LLC, Statoil Gulf Services LLC, the Independent Petroleum Association of America, NRG Energy Inc., Sempra Energy, Taylor Energy Company LLC, Cobalt International Energy and Rosemont Copper Company.

Bernhardt would also have to stay out of matters involving a number of water and wildlife conservation organizations including the Safari Club International Foundation, Garrison Diversion Conservancy District, Westlands Water District and Cadiz Inc.

As deputy secretary, Bernhardt would not only be responsible for managing day-to-day operations across the agency's nine complex and unique bureaus, but also could play a key role in implementing Interior Secretary Ryan Zinke's energy development, public lands, endangered species and water infrastructure initiatives.

**WHAT'S NEXT:** Senate Energy and Natural Resources Chairwoman [Lisa Murkowski](#) has said she hopes to hold a confirmation hearing on Bernhardt this month.

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## **Interior to review company requests for offshore Atlantic seismic surveys** [Back](#)

By Ben Lefebvre | 05/10/2017 04:30 PM EDT

The Department of Interior says it will restart reviews of applications from six companies seeking to conduct seismic surveying off the southeast Atlantic shore that had been denied by the Obama administration.

The review is one of the first concrete actions to come after President Donald Trump asked Interior to evaluate the energy development possibilities of offshore regions that former President Barack Obama had placed off limits. Environmentalists have opposed any drilling in the southeast Atlantic as possibly leading to oil spills that could kill fishing and tourism.

The executive order Trump signed in late April included the Atlantic and Arctic offshore regions as potential sites for future oil and gas drilling.






"Seismic surveying helps a variety of federal and state partners better understand our nation's offshore areas, including locating offshore hazards, siting of wind turbines, as well as offshore energy development," Interior Secretary Ryan Zinke said in the statement.

Having seismic survey information will also assist Interior in determining the fair market value of offshore resources, the department said.

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